

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

SEP 13 2001

Ex parte DAVID S. BREED

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Appeal No. 2001-2392
Application No. 09/114,962

ORDER REMANDING TO EXAMINER

On July 14, 1998, appellant filed an Information Disclosure Statement (IDS) (Paper No. 2). It is not clear from the record whether the examiner fully considered the IDS statement(s) ("A Critique of Single Point Sensing") submitted or whether the examiner notified appellant of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that this application be remanded to the examiner for: 1) consideration of the Information Disclosure Statement (Paper No. 2); 2) appropriate notification by the

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examiner to appellant of such consideration; and 3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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